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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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DIESEL PROPS S.R.L. and
DIESEL KID S.R.L.,

Civil Action No.
07 CV 9580 (HB)

Plaintiffs/Counter-Defendants,

-against-

NOTICE OF MOTION

GREYSTONE BUSINESS CREDIT II LLC
and GLOBAL BRAND MARKETING INC.,

Defendants/Counter-Plaintiffs,

-against-

DIESEL S.p.A.,

Third-Party Defendant.

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PLEASE TAKE NOTICE THAT upon the accompanying Declaration of Ira S. Sacks in Support dated July 15, 2008, and the exhibits annexed thereto and documents and matter incorporated by reference therein,, and all of the prior pleadings and proceedings had herein, Third-Party Defendant Diesel S.p.A. ("SpA"), by and through its attorneys, Dreier LLP, hereby renews its prior motion (a) for an order pursuant to Rules 12(b), 12(b)(1) and/or 12(b)(3) of the Federal Rules of Civil Procedure, and/or this Court's authority to decline jurisdiction, dismissing the Third-Party Complaints of Defendants Greystone Business Credit II, L.L.C. ("Greystone") and Global Brand Marketing, Inc. ("GBMI") (together, the "Third-Party Complaints") because

applicable forum selection clauses mandate that such Third-Party Complaints be brought in Milan, Italy, and/or (b) an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing the Third Party Complaints for failure to state a claim against SpA upon which relief may be granted, and for such other and further relief as the Court deems just and proper, before the Honorable Harold Baer, Jr. United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, at such time as the Court directs.

PLEASE TAKE FURTHER NOTICE that SpA further moves this Court for an order pursuant to Rules 12(f), 15(a) and 16 of the Federal Rules of Civil Procedure, and Rule 4(A)(i) of the Individual Practices of the Honorable Harold Baer, Jr., striking all new and unauthorized portions of the Third-Party Complaints filed by each of Greystone and GBMI on July 2, 2008, in response to the Third Amended Complaint of Props and Kid, dated June 2, 2008, and for such other and further relief as the Court deems just and proper.

Dated: New York, New York
July 15, 2008

DREIER LLP

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